IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

WRIT PETITION NO. 356 M/S 2003.

Swami Nityanand Puri and another ……Petitioner.

Vs.

Civil Judge Dehradun and others. … Respondents.

Hon'ble Rajesh Tandon J.

The petitioner has challenged the order-dated 23.123.2003 by which the appeal has been admitted and the notices have been issued. The order impugned, being interlocutory in nature, the writ petition under Article 227 is not maintainable. It will be open for the petitioner to raise objection with regard to the maintainability of the appeal before the District Judge and the learned District Judge shall decide the same at the time of deciding the appeal.

However, it will be open for the petitioner to raise this question when the matter goes in higher court against the final order.

Subject to the aforesaid observations, the writ petition is disposed of.

(Rajesh Tandon J.)

Dt. 27.8.2004

P.B.